

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT SMITH,

Case No. 2:22-cv-00910-GMN-DJA

Petitioner,

v.

ORDER

CALVIN JOHNSON, et al.,

Respondents.

Petitioner Robert Smith, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, but he did not pay the \$5 filing fee or submit a complete IFP application.


Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Petitioner failed to submit a financial certificate signed by him and an authorized prison official and a copy of his account statement for the six-month period prior to filing with his IFP application. ECF No. 1. In his letter filed on June 9, 2022, Petitioner asserts that he intends to pay the \$5 filing fee. ECF No. 3. As of the date of this order, however, Petitioner has not paid the filing fee. Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

IT IS THEREFORE ORDERED:

1. The initial screening of Smith's Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration of his Motion for Appointment of Counsel (ECF No. 1-3) are deferred to until such time as he has fully complied with this order.
2. The Clerk of Court is instructed to send Petitioner a blank form IFP application for incarcerated litigants along with *two* copies of this order.
3. **Within 45 days of the date of this order**, Petitioner must file an IFP application that includes a: (a) financial certificate signed by Petitioner and an authorized prison official, (b) financial declaration and acknowledgement signed by Petitioner, and (c) copy of Petitioner's inmate account statement for the six-month period prior to filing. Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.
4. Petitioner's failure to comply with this order within 45 days by (a) submitting a complete IFP application, or (b) paying the filing fee will result in the dismissal of this action without prejudice and without further advance notice.

DATED: July 6, 2022



GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE